UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,992	03/03/2004	Morton G. Swimmer	CH920020050US1	4840

48233   7590   03/31/2011

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ART UNIT	PAPER NUMBER
2437	

NOTIFICATION DATE	DELIVERY MODE
03/31/2011	ELECTRONIC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte MORTON G. SWIMMER,
MICHAEL WAIDNER, and ANDREAS WESPI

_____

Appeal 2009-007218
Application 10/791,992
Technology Center 2400

_____

Before: LANCE LEONARD BARRY, CAROLYN D. THOMAS, and
DEBRA K. STEPHENS, *Administrative Patent Judges.*

STEPHENS, *Administrative Patent Judge.*

DECISION ON APPEAL

Appellants appeal under 35 U.S.C. § 134(a) (2002) from a final rejection of claims 1-23. We have jurisdiction under 35 U.S.C. § 6(b) (2010).

We AFFIRM.

Introduction

According to Appellants, the invention is a system and method related to data processing systems, and more specifically, to security in data processing systems, and especially for controlling access to resources in data processing systems. (Specification 1).

STATEMENT OF CASE

Exemplary Claim

Claim 1 is an exemplary claim and is reproduced below:

1.   A method for controlling access to an object in a data processing system, the method comprising:

receiving an access request to access the object from a task;

classifying the access request into one of critical and non-critical classes in dependence on stored access control data associated with the object and the task;

granting the task access to the object and storing data indicative of the access in an access log if the access is classified into the non-critical class; and,

in the event that the access is classified into the critical class, granting or denying the task access to the object in dependence on the; contents of the access log and the stored access control data.

Prior Art

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Wang   US 5,414,844   May 9, 1995

REJECTIONS

Claims 1-23 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Wang. (Ans. 3-5).

GROUPING OF CLAIMS

Appellants argue claims 1-23 as a group on the basis of independent claims 1, and 10. (Br. 4-10). Claims 1 and 10, not individually argued, recite commensurate inventions although claim 1 is drawn to a method and claim 10 is drawn to an apparatus. Therefore, we select independent claim 1 as the representative claim and independent claim 10 stands or falls with independent claim 1. Dependent claims 2-9 and 20-22 depend from claim 1 and dependent claims 11-19 and 23 depend from claim 10 and were not argued separately. We will treat claims 2-9, and 11-23 as standing or falling with their respective parent claim. Therefore, all of the rejected claims 1-23 stand or fall with claim 1.

We accept Appellants' grouping of the claims. *See* 37 C.F.R. § 41.37(c)(1)(vii).

ISSUE

35 U.S.C. § 102(e)

Appellants argue their invention is not anticipated by Wang because :

(i)   Wang fails to teach or suggest classifying an access request into one of critical and non-critical classes in dependence on stored access control data associated with the object and the task;

(ii)   Wang fails to teach or suggest granting task access to the object and storing data indicative of the access in an access log if the access is classified into the non-critical class; and

(iii)   Wang fail to teach or suggest in the event that the access is classified into the critical class, granting or denying the task access to the object in dependence on the contents of the access log and the stored access control data, as recited in claim 1 and commensurately recited in claim 10. (Br. 4-10).

In response, the Examiner maintains that "[i]n general, the appellant's [sic] arguments fail to consider the full teachings of the reference in light of the knowledge generally available to one of ordinary skill in the art. (Ans. 5). More specifically the Examiner contends that Wang discloses two classes of actions - the user is authorized to read library objects and any other library object which is publicly available within its associated ACMO (Access Control Model Object) and the user is authorized to write into a library object or any other library object which includes shared authorization parameter within its associated ACMO (Ans. 6).

The Examiner further finds Wang discloses a distributed data processing network for users to access a data object or document stored in another portion of the data processing network (Ans. 7). If the user is specifically set forth within the ACMO for the document, the user is granted permission for the action (*id.*). If not, then the user's authority level and the

document's shared authorization parameter are determined and based on the level and parameter, access is denied or granted (*id.*).

Issue: Has the Examiner erred in finding that Wang discloses the limitations of claim 1?

ANALYSIS

We adopt the Examiner's findings in the Answer as our own. Our discussions here will be limited to the following point of emphasis.

"A reference anticipates a claim if it discloses the claimed invention 'such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention.'" *In re Graves*, 69 F.3d 1147, 1152 (Fed. Cir. 1995) (quoting *In re LeGrice*, 301 F.2d 929, 936 (CCPA 1962)). Of course, anticipation "is not an 'ipsissimis verbis' test." *In re Bond*, 910 F.2d 831, 832-33 (Fed. Cir. 1990) (citing *Akzo N.V. v. United States Int'l Trade Comm'n*, 808 F.2d 1471, 1479 & n.11 (Fed. Cir. 1986)). "An anticipatory reference . . . need not duplicate word for word what is in the claims." *Standard Havens Prods. v. Gencor Indus.*, 953 F.2d 1360, 1369 (Fed. Cir. 1991).

Additionally, claim 1 recites classifying the access request into one of critical and non-critical classes. Neither term is defined by Appellants and we find that these labels are non-functional descriptive labels. Thus, along with the Examiner's findings, we also find that Wang discloses classifying an access request into one of two classes based on data associated with the object and the task (col. 4, l. 59 to col. 5, l. 7; col. 5, l. 57 to col. 6, l. 42; and Fig. 4).

Appellants have not shown that the Examiner erred in finding that Wang discloses the disputed limitations of independent claim 1. Thus, Appellants have not shown the Examiner erred in finding the invention as recited in claim 1 and commensurately recited in claim 10 is anticipated by Wang. Since dependent claims 2-9 and 11-23 depend from independent claims 1 and 10, and were not argued separately, claims 2-9 and 11-23 fall with their respective parent claims. Accordingly, Appellants have not shown the Examiner erred in rejecting claims 1-23 under 35 U.S.C. § 102(e) as being anticipated by Wang.

DECISION

The Examiner's rejection of claims 1-23 under 35 U.S.C. § 102(e) as being anticipated by Wang is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2009).

AFFIRMED

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